

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA Plaintiff, v. MIGUEL CABRAL-VERAS and JEANNETTE STAMPAR, Defendants	CIVIL NO. 20-CV-01147 (JAG) Damages Claims
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ANSWER TO COMPLAINT

TO THE HONORABLE COURT:

COME NOW, Defendants, through the undersigned attorney who appears for the sole purpose of this motion, and respectfully allege and prays as follows:

All conclusions of law and jurisdiction contained in the Complaint are disputed insofar as applicable to the factual allegations herein.

All factual allegations contained in the Complaint, except these specifically admitted below, and only as qualified herein, are hereby denied.

JURISDICTION AND VENUE

1. Averment no. 1 does not require a responsive pleading inasmuch as it is a jurisdictional statement and a conclusion of law, but in the event that it does, it is denied.

2. Averment no. 2 does not require a responsive pleading inasmuch as it is a jurisdictional statement and a conclusion of law, but in the event that it does, it is denied.

PARTIES

3. Averment no. 3 does not require a responsive pleading inasmuch as it is information related to the Plaintiff and not the appearing party. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

4. Averment no. 4 is admitted.

COUNT I

5. Averment no. 5 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

6. Averment no. 6 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

7. Averment no. 7 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such

averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

8. Averment no. 8 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

9. Averment no. 9 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

10. Averment no. 10 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

11. Averment no. 11 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

12. Averment no. 12 is neither admitted, nor denied. At this moment, Defendants

are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

13. Averment no. 13 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

14. Averment no. 14 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

15. Averment no. 15 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

16. Averment no. 16 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

COUNT II

17. Averment no. 17 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

18. Averment no. 18 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

19. Averment no. 19 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

20. Averment no. 20 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

21. Averment no. 21 is neither admitted, nor denied. At this moment, Defendants

are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

22. Averment no. 22 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

23. Averment no. 23 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

24. Averment no. 24 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

25. Averment no. 25 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

26. Averment no. 26 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

27. Averment no. 27 is neither admitted, nor denied. At this moment, Defendants are without knowledge or information sufficient to form a belief about the truth of the allegation. To the extent that a responsive pleading is so required, Defendants deny such averments for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

28. Averment no. 28 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

29. Averment no. 29 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

30. Averment no. 30 does not require a responsive pleading inasmuch as it is a conclusion of law and/or a citation of the law, but in the event that it does, it is denied for lack of sufficient information or belief to form an opinion as to the veracity of these allegations.

AFFIRMATIVE DEFENSES

1. The laws and statutes alleged in the document of complaint do not provide plaintiff a claim against the appearing defendants.
2. The present action is time-barred.
3. The complaint fails to state a cause of action upon which a relief may be granted as to the appearing defendant and the allegations are insufficient.
4. Appearing defendant is not responsible for any of the prayers for relief stated in the complaint.
5. The complaint fails to state specific acts of the appearing defendant which amount to a deprivation of any of plaintiff's federally protected rights.
6. Absence of Intentional Conduct: Any wrongful conduct committed by Defendants was unintentional and the result of a bona fide error. Thus, Defendants cannot be held liable for the penalties and interest assessments made against them.
7. Defendants wrongful conduct lacked malice and/or willful intent: At all times relevant hereto, Defendants acted without malice and willful intent, and therefore, Plaintiff cannot maintain a defamation or like action as is set forth in 26 U.S. Code § 6332
8. Defendants did not negligently fail to comply with Surrender of property subject to levy: At all times relevant hereto, Defendants did not negligently fail to comply with the provisions of the law.
9. Plaintiff fails to state a cause of action under 31 U.S. Code § 5321 and 31 U.S. Code § 5314: Plaintiff cannot maintain a cause of action for Defendants' alleged wrongful conduct, as it has failed to allege that Defendants violated said sections.

10. Unclean Hands: Plaintiff's claims fail (in whole or in part) based on the doctrine of unclean hands.

11. Plaintiff lacks jurisdiction to bring an action against appearing defendant.

12. Defendants hereby give notice that it intends to rely upon any other defenses that become available or appear during ongoing discovery proceedings and investigation in this case and reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, it is respectfully requested from this Honorable Court to dismiss the complaint filed by Plaintiff, grants co-Defendant its attorney fees, costs and expenses associated with this matter, and such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE: I certify that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

In San Juan, Puerto Rico this 17th day of July, 2021.

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